

PATRICK HANLEY.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1737.]

The Committee on Military Affairs, to whom was referred the bill (S. 1737) to correct the military record of Patrick Hanley, report the same back to the House with the recommendation that it do pass.

The report made by the Senate Committee on Military Affairs is hereto attached and made a part of this report.

[Senate Report No. 503, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1737) to correct the military record of Patrick Hanley, report:

A similar measure (H. R. 8706) passed the House of Representatives, and after favorable report by this committee passed the Senate during the second session of the Fifty-fourth Congress, but failed to become a law.

The committee now adopts their former report (No. 1546), which is hereto appended and made a part of this report, and again recommend the passage of the bill.

Said report is as follows:

The Committee on Military Affairs, to whom was referred the House bill 8706, have had the same under consideration and find the facts to be as stated in House Report No. 2470, Fifty-fourth Congress, second session, which is made a part of this report, as follows:

"The Committee on Military Affairs, to whom was referred the bill (H. R. 8706) to correct the military record of Patrick Hanley, having considered the same, would respectfully report such bill back to the House with the recommendation that the same do pass.

"The facts upon which your committee rely for the clemency sought to be extended by this bill are briefly as follows: The soldier ran away from home and enlisted, without bounty, in Company H, Twenty-eighth Wisconsin, on the 20th day of August, 1862. He was then about 17 years old. He remained with his company in camp within his own State until December 19, 1862, when he obtained leave to visit his home, and while absent on such leave his regiment was ordered to the front, leaving the soldier behind. When he learned that the regiment had left he followed it to Chicago. When he arrived there the regiment had left. Not being able to learn of its whereabouts, he enlisted in the Mercantile Battery, but was rejected on account of physical defects.

"On the 10th day of June, 1863, he again tendered his services to his country and was assigned to the Navy, where he served faithfully for the full term of his enlistment and was honorably discharged. Had he been accepted when he enlisted in the Mercantile Battery the soldier could have been relieved under the general law.

"It is apparent the soldier never did intend to desert, and although he had to enter the service against the wishes of his parents, when he was fairly in the service and beyond the influence of his parents he served faithfully during his full term.

"The total bounty paid him for his entire enlistment was \$25.

"The record of such soldier, Army and Navy, is hereto attached and made a part hereof."

DEPARTMENT OF THE NAVY,
Washington, D. C., May 7, 1896.

SIR: Referring to your letter of the 6th instant to the Honorable Secretary of the Navy, I have the honor to state that one Patrick Hanley enlisted in the Navy at Chicago, Ill., June 15, 1863, as seaman for one year; served on board of the *Covington*, *Fairy*, and hospital *Pinckney*, and was discharged June 25, 1864.

Respectfully,

F. M. RAMSAY, *Chief of Bureau.*

Hon. S. A. COOK,
House of Representatives.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 17, 1896.

SIR: * * * It is shown by the records that Patrick Hanley was enrolled August 20, 1862, and was mustered into service October 14, 1862, in Company H, Twenty-eighth Wisconsin Infantry, to serve three years. He appears to have served faithfully to December 19, 1862, when he deserted. He never returned thereafter, although his company remained in service to August 31, 1865. No evidence has been found showing he was a minor at the date of his enlistment or was enlisted without the consent of his parents, or that he was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings.

It does not appear from the files of this office that an application for removal or the charge of desertion has been presented to this Department, and in the absence of testimony the status of the soldier can not be determined under the provisions of the act of Congress approved March 2, 1889, the only law now in force governing the removal of the charges of desertion.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. S. A. COOK,
House of Representatives.

In addition to the foregoing House report, the committee gives an extract from a private letter, written by James Murray, of Fremont, Nebr., to a Senator, who says he has implicit confidence in his statements. Mr. Murray was a captain in the Twenty-eighth Wisconsin, from which Hanley deserted. He says:

"I was one of the line officers in the Twenty-eighth Wisconsin. You were another. My company was H. Now to business; a man whose name is Patrick Hanley enlisted upon the occasion of the organization of the Twenty-eighth, from Merton or Lisbon, and chose Company H to go in; went into Camp Washburn with the rest of us, was mustered and drilled, and on the whole made a good soldier, no way disorderly, and was, I verily believe, never reprimanded by any of his superior officers. He went home; we marched the next day; he failed to get back in time; he followed us to Chicago; we were gone; he enlisted in a battery at that place, was rejected for physical disability of some kind. In a short time he enlisted in the Navy and served three years.

"Of course most of this has been told me after we got home, by him. I know this, however, while we were in camp at Mobile, one of my men came to me one day and said: 'Patrick Hanley is down on board of a gunboat and expressed a desire to see us, but said that he was afraid I would have him arrested as a deserter, and that as he had seen about as much service as any of the Twenty-eighth, he would not like to be arrested.' As the war was about winding up I forebore sending for him. Well, of course, he was reported as a deserter and the muster-out rolls so reported him. It seems that he not long since found it out. He writes me that he is seeking to get the disgrace effaced on account of his children. I sympathize with the boy, particularly in that respect. Congressman Cook, of Wisconsin, is about to try and have a bill passed restoring him. Now, as you were in those days one of us, could you not, if you deem it consistent with right, etc., give the matter a helping hand? My recollection of the boy is quite vivid and I found him a dutiful, orderly, and manly young man."

While Hanley might have persevered in his attempt to overtake the Twenty-eighth Wisconsin and thus have avoided the charge of desertion, we think that his conduct in seeking to enlist in the Mercantile Battery, and enlisting and serving a year in the Navy, shows that he was not endeavoring to avoid the service of his country, and the committee report the bill back with a recommendation that it do pass.